

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

15-cr-142

EDGAR DeKAY, II
a/k/a Ed a/k/a Special Ed

Defendant

**DEFENDANT'S STATEMENT WITH
RESPECT TO SENTENCING FACTORS**

Pursuant to the Local Procedural Guidelines governing sentencing procedures under the Sentencing Reform Act of 1984, the defendant, EDGAR DeKAY, II, by his attorney, EMILY P. TROTT, ESQ., having reviewed the contents of the Presentence Investigation Report ("PSR" hereinafter referred to as such) hereby states that he has no objections to the factual or legal findings therein. The defendant, however, reserves the right to file an objection to any additional material that may be added to the PSR by way of addendum, attachment, revision or other means.

It is respectfully requested that the Court disclose to the defendant all information which it will consider in imposing sentence that may negatively impact him and about which he has no prior notice from the PSR, including but not limited to, *ex parte* communications with the officers from the United States Probation Department and victims. United States v. Louis, 814 F.2d 852, 858 (2d Cir., 1987) *as cited in* United States v. Corace, 146 F.3d 51, 54 (2d Cir., 1998). *See also*, United States v. Rivera, 96 F.3d 41, 43 (2d Cir., 1996) (finding that the District Court erred in failing to disclose to the defendant oral statements made by a United States Probation Officer to the Court prior to sentencing).

Dated: Buffalo, New York
September 24, 2018

Respectfully Submitted,

/s/ Emily P. Trott

EMILY P. TROTT, ESQ.

Attorney for Defendant, EDGAR DeKAY, II

70 Niagara Street, Suite 210

Buffalo, New York 14202

(716) 362-1148

(716) 362-1150

emmylaw@aol.com

TO:

HON. ELIZABETH J. WOLFORD
U.S. DISTRICT COURT
Two Niagara Square
Buffalo, New York 14202

Joseph M. Tripi, Esq.
Assistant United States Attorney
Federal Centre
138 Delaware Avenue
Buffalo, New York 14202